

by a political subdivision at a unit acquisition cost of \$1,000 or more, where guaranty by the State of such payment to FEMA is not permissible under State law, the guaranty by the State, as joint applicant with its political subdivision shall be limited to an amount not to exceed the amount of the Federal contribution paid by FEMA toward procurement of the particular item of property.

(3) *Use.* With regard to application of the property management standards set forth in appendix D of CPG 1-3, “purpose of the grant program,” includes use for providing emergency assistance in any area of the United States which suffers a disaster other than a disaster caused by enemy attack. Detailed guidance is set forth in CPG 1-3.

(e) *Monitoring and reporting program performance.* Grantees shall comply with the provisions set forth in CPG 1-3, as required by OMB Circular No. A-102, regarding the monitoring and reporting of grant-supported activities and programs.

(f) *Records retention and availability.* Financial records, supporting documents, and all other records pertinent to a grant shall be retained by the grantee and made available as prescribed by appendix B of CPG 1-3 in accordance with the requirements of OMB Circular No. A-102.

[43 FR 25093, June 9, 1978. Redesignated at 44 FR 56173, Sept. 28, 1979, as amended at 50 FR 40007, Oct. 1, 1985]

§ 301.5 [Reserved]

§ 301.6 Billing and payment.

When civil defense equipment procured by a State (or political subdivision) has been delivered to the State (or political subdivision), the FEMA, upon the receipt of proper billing, shall make payment, by check drawn against the Treasury of the United States, to the authorized official of the State or political subdivision designated by the State.

[43 FR 25094, June 9, 1978. Redesignated at 44 FR 56173, Sept. 28, 1979]

§ 301.7 Advances of Federal funds.

The State (and where appropriate, the political subdivision) shall submit

their requests for advance payment on the “Request for Advance or Reimbursement” form (FEMA Form No. 1406) prescribed in Attachment H of OMB Circular No. A-102. Advances by Treasury check will be made in accordance with the provisions of Treasury Circular No. 1075 and FEMA promulgated guidance material furnished the State and political subdivision; *Provided*, That the State (and where applicable, the political subdivision) has established or demonstrated to FEMA the willingness and ability to establish procedures that will minimize the time elapsing between the transfer of funds and their disbursement by the State or political subdivision, as the case may be; and *Provided further*, That the State (and where applicable, its political subdivision) has established a financial management system meeting the standards for fund control and accountability prescribed in Attachment G of OMB Circular No. A-102 “Standards for Grantee Financial Management Systems.”

[40 FR 36328, Aug. 20, 1975, as amended at 43 FR 25094, June 9, 1978. Redesignated at 44 FR 56173, Sept. 28, 1979]

§ 301.8 Limitations on amount and obligation of Federal funds.

(a) *Federal-grantee share.* The Federal contribution shall not exceed 50 percent of the total allowable cost of the civil defense equipment. The grantee’s share of such cost may be derived from any source it determines consistent with its laws; *Provided, however*, That except as otherwise expressly provided by Federal law, no part of the grantee’s share has been or will be derived from Federal funds. No Federal contribution shall be made for the procurement of land. The value of any land contributed to the program or project shall be excluded from the computation of the grantee’s share.

(b) *Fiscal year control.* Federal funds are available for obligation under the program in this part on a Federal fiscal year basis (October 1 to September 30, inclusive) and cannot be used to cover obligations incurred or expenditures made by a grantee prior to the date of first availability of the appropriation otherwise remaining available for obligation. With regard to services, such as

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maintenance and utility services, being rendered over a continuing period of time, contributions shall be only for eligible services required to serve the civil defense needs of the grantee during the Federal fiscal year current at the time the project application is approved by FEMA.

[43 FR 25094, June 9, 1978. Redesignated at 44 FR 56173, Sept. 28, 1979]

§301.9 Procurement.

Grantees shall comply with the provisions of CPG 1-3, as required by OMB Circular No. A-102, regarding the procurement of supplies, equipment, construction, and other services with the assistance of Federal funds. Included, without limitation, is a provision that, with certain specified exceptions, formal advertising, with adequate purchase description, sealed bids, and public openings shall be the required method of procurement. Where such advertised bids are obtained, the awards shall be made to the responsible bidder whose bid is responsive to the invitation and is most advantageous to the grantee, price and other factors considered and FEMA's contribution will be limited to its share of the allowable costs under such lowest acceptable bid.

[43 FR 25094, June 9, 1978. Redesignated at 44 FR 56173, Sept. 28, 1979, as amended at 50 FR 40007, Oct. 1, 1985]

§301.10 [Reserved]

§301.11 Compliance.

(a) The State (or political subdivision) must be prepared to furnish the FEMA, upon its request, with proper documentation that there has been compliance with the requirements of the regulations in this part and the related procedures and criteria prescribed in CPG 1-3 in connection with its procurement of any item of civil defense equipment and its request and receipt of a Federal contribution therefor.

(b) Where, after reasonable notice to the State and opportunity for hearing in accordance with part 303 of this chapter, the FEMA finds that the State (or political subdivision) has failed or is failing to expend funds in accordance with the requirements of the Act or the

terms and conditions of the regulations in this part, the FEMA may withhold payments of any financial contributions to such State, due or to become due.

[29 FR 1322, Jan. 25, 1964. Redesignated at 29 FR 6384, May 15, 1964, as amended at 43 FR 25094, June 9, 1978. Further redesignated at 44 FR 56173, Sept. 28, 1979]

PART 302—CIVIL DEFENSE-STATE AND LOCAL EMERGENCY MANAGEMENT ASSISTANCE PROGRAM (EMA)

Sec.

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AUTHORITY: 50 U.S.C. app. 2251 *et seq.* Reorganization Plan No. 3 of 1978; E.O. 12148.

SOURCE: 48 FR 44211, Sept. 28, 1983, unless otherwise noted.

§302.1 Purpose.

(a) The regulations in this part prescribe the requirements applicable to the Emergency Management Assistance (EMA) program for Federal financial contributions to the States, and through the States to their political subdivisions, for up to one half of the necessary and essential State and local civil defense personnel and administrative expenses, under section 205 of the Federal Civil Defense Act of 1950, as amended, and set forth the conditions under which such contributions will be made.

(b) The intent of this program is to increase civil defense operational capability at the State and local levels of government by providing Federal financial assistance so that personnel and other resources can be made available for essential planning and other administrative functions and activities required in order to accomplish this objective.